

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

and

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT APPEAL NO.1794 OF 2005

Between:

Raj Kumar Malpani ...Appellant

And

Commissioner of Police and others ...Respondents

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

and

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT APPEAL NO.1794 OF 2005

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J U D G M E N T (Per the Hon'ble Sri Bilal Nazki, ACJ):

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Heard learned counsel for the parties.

The writ petitioner/appellant filed the writ petition seeking a declaration that action of respondent Nos.1 to 4 in not registering a case of trespass against respondent Nos. 11 to 13 was illegal. The learned Single Judge found that there were disputes with regard to ownership and possession of the land in question and a suit has already

been decreed in favour of the writ petitioner being O.S.No.1629 of 1999. This suit was for injunction. Against the decree and judgment in this suit, CCCA No.228 of 2001 is pending before this Court and this Court had already ordered a status quo to be maintained by the parties. Therefore, the learned Single Judge did not enter into the controversy with regard to the possession and ownership of the parties. As regards the investigation by the police into the alleged case of trespass, the learned Single Judge found that first information report had been registered and investigation was pending. We do not find that any interference is needed by us in the order passed by the learned Single Judge. Learned Government Pleader appearing for the official respondents submits that the investigation is on and shall be completed within a period of four weeks.

In the light of what has been stated hereinabove, no further orders are necessary to be passed in the appeal. The writ appeal is accordingly dismissed. No order as to costs.

(Bilal Nazki, ACJ)

26th October, 2005

(R.Subhash Reddy,J)

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